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REMARKS

The following remarks are responsive to the April 5, 2007 Final Office Action. Claims 1, 6-8, and 10-16 remain as previously presented, and Claims 2-5 and 9 remain as originally filed. Thus, Claims 1-16 are presented for further consideration.

Response to Rejection of Claims 1-3 and 12-14 Under 35 U.S.C. § 102(e)

In the April 5, 2007 Final Office Action, the Examiner rejects Claims 1-3 and 12-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0054068 ("Ellis I").

Applicants' arguments presented in the previously-filed "Response to October 3, 2006 Office Action" are incorporated in their entirety by reference herein, and Applicants supplement these arguments with the arguments presented below.

Claims 1-3

As previously presented, Claim 1 recites (emphasis added):

1. A method of generating a menu representing a viewing sequence of display contents during a viewer's viewing session, comprising:

recording first video data associated with a first plurality of display contents using a preference engine to select the display content;

selectively recording second video data associated with a second plurality of display contents upon a viewer selecting the display content;
defining a viewing session;

defining a third plurality of display contents based upon available broadcast display contents during the viewing session and selected based upon the preference engine; and

displaying a menu screen of viewing choices, wherein **the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents.**

In responding to the arguments presented by Applicants in their response to the previous office action, the Examiner asserts that the recording apparatus of Ellis I has the *capacity* of recording a video program by using a preference engine. Final Office Action, p. 7 (emphasis added). However, Applicants submit that the mere possibility that the video program may be recorded by a preference engine is not enough to establish anticipation. In order to anticipate the claim, the reference must actually teach every element of the claim. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a reference must identically teach every element of the claim).

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The Examiner cites Ellis I at paragraph [0067], which discloses “recording preferences” that allow a user to “specify[] settings for recording the program.” At paragraph [0075], Ellis I further clarifies the term “recording preferences” by describing a display screen, shown in Figure 12a of Ellis I, “which provides the user with options for adjusting his or her recording preferences.” These options include a listing region 1208, time change information regions 1214 and 1216, a mode option 1202 for selecting a manual or automatic mode for recording, and recording start and end time options 1204, 1206. As described by Ellis I at paragraph [0075], these options merely allow the user to change settings for recording a particular movie. Nowhere does Ellis I teach that these recording preferences are determined by a preference engine for selecting display content. Thus, Ellis I does not identically teach every element of Claim 1, so Claim 1 is patentably distinguished over Ellis I.

The Examiner further asserts that Applicants’ previous arguments do not “reflect the claims since the claims do not specify how a video program is recorded by a preference engine.” Final Office Action, at page 8. Applicants respectfully submit that the previous arguments are directed to the language of Claim 1. Claim 1 recites, among other things, “recording first video data . . . using a preference engine **to select** the display content” and “defining a third plurality of display contents . . . **selected** based upon the preference engine.” (emphasis added). Thus, Claim 1 recites that the preference engine is used to select the display content to be recorded. In contrast, Ellis I discloses that programs are selected to be recorded only by a user and does not disclose using a preference engine as recited by Claim 1. See Ellis I at FIG. 5, para. [0066] (“the user selects recording option 506 from main menu display screen 500.”) Therefore, Ellis I does not disclose every element of Claim 1, and Claim 1 is patentably distinguished over Ellis I. If the Examiner believes that Applicant’s response is not directed to the pending claim language, Applicants respectfully request clarification from the Examiner.

Each of Claims 2 and 3 depends from Claim 1, so each of Claims 2 and 3 includes all of the limitations of Claim 1 as well of other limitations of particular utility. Therefore, Applicants submit that Claims 2 and 3 are patentably distinguished over Ellis I. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-3 and pass these claims to allowance.

Claims 12-14

As previously presented, Claim 12 recites (emphasis added):

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12. A video system, comprising:
an input port configured to receive display contents including a plurality of broadcast display contents;
an output port configured to couple to a video display;
a preference engine coupled to the input port, the preference engine configured to track viewer selections of the broadcast display contents and to create a viewer profile;
a storage device coupled to the input port, the output port and the preference engine, the storage device configured to record first video data associated with a first plurality of display contents according to the viewer profile and to record second video data associated with a second plurality of display contents upon a viewer selecting the display content; and
a management module coupled to the preference engine and the storage device, the management module configured to define a third plurality of display contents based upon the available broadcast display contents for a viewing session and based upon the viewer profile, to create **a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents**, the menu screen being displayable on the video display from which a viewer can select a sequence of display contents for the viewing session.

Applicants also submit that Ellis I does not disclose all the limitations of Claim 12. For example, Ellis I does not disclose “a preference engine” as recited by Claim 12. As another example, for similar reasons stated above with regard to Claim 1, Applicants submit that Ellis I does not disclose “a management module . . . to create a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents,” as recited by Claim 12. Applicants therefore submit that Claim 12 is patentably distinguished over Ellis I.

Claim 13 depends from Claim 12, and Claim 14 depends from Claim 13. Therefore, each of Claims 13 and 14 includes the limitations of Claim 12 as well as other limitations of particular utility, and Applicants submit that Claims 13 and 14 are patentably distinguished over Ellis I. Applicants respectfully request that the Examiner withdraw the rejection of Claims 12-14 and pass these claims to allowance.

Response to Rejection of Claims 4-5, 8-11, and 16 Under 35 U.S.C. § 103(a)

In the April 5, 2007 Final Office Action, the Examiner rejects Claims 4-5, 8-11, and 16 as being unpatentable over Ellis I in view of U.S. Patent Publication No. 2004/0117831 (“Ellis II”).

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Applicants' arguments presented in the previously-filed "Response to October 3, 2006 Office Action" are incorporated in their entirety by reference herein.

As described above, Ellis I does not disclose all the elements of Claim 1. As discussed in the previously-filed "Response to October 3, 2006 Office Action," Ellis II does not disclose or suggest the limitations of Claim 1 that are not disclosed or suggested by Ellis I. Therefore, Applicants submit that Claim 1 is patentably distinguished over the combination of Ellis I and Ellis II.

Each of Claims 4-5 and 9 depends from Claim 1, Claim 8 depends from Claim 4, Claim 10 depends from Claim 9, and Claim 11 depends from Claim 10. Therefore, each of Claims 4-5 and 8-11 includes the limitations of Claim 1 as well as other limitations of particular utility, and Applicants submit that Claims 4-5 and 8-11 are patentably distinguished over Ellis I in view of Ellis II. Applicants respectfully request that the Examiner withdraw the rejection of Claims 4-5 and 8-11 and pass these claims to allowance.

Similar to the reasons stated above with regard to Claim 1, Applicants submit that Ellis II does not disclose "a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents," as recited by Claim 12. Therefore, Ellis II does not disclose or suggest the limitations of Claim 12 that are not disclosed or suggested by Ellis I. Applicants therefore submit that Claim 12 is patentably distinguished over Ellis I in view of Ellis II.

Claim 16 depends from Claim 12. Therefore, Claim 16 includes the limitations of Claim 12 as well as other limitations of particular utility, and Applicants submit that Claim 16 is patentably distinguished over Ellis I in view of Ellis II. Applicants respectfully request that the Examiner withdraw the rejection of Claim 16 and pass this claim to allowance.

Response to Rejection of Claims 6 and 7 Under 35 U.S.C. § 103(a)

In the April 5, 2007 Final Office Action, the Examiner rejects Claims 6 and 7 as being unpatentable over Ellis I in view of Ellis II, as applied to Claims 1 and 3-4, and further in view of U.S. Patent No. 6,240,240 issued to Nagano et al. ("Nagano").

As described above, the combination of Ellis I and Ellis II does not disclose or suggest all the elements of Claim 1. Applicants submit that Nagano does not disclose or suggest the limitations of Claim 1 that are not disclosed or suggested by the combination of Ellis I and Ellis

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II. Therefore, Applicants submit that Claim 1 is patentably distinguished over Ellis I in view of Ellis II and further in view of Nagano.

Claim 6 depends from Claim 4, which depends from Claim 1, and Claim 7 depends from Claim 6. Therefore, each of Claims 6 and 7 includes all the limitations of Claim 1 as well as other limitations of particular utility, and Applicants submit that Claims 6 and 7 are patentably distinguished over Ellis I in view of Ellis II and further in view of Nagano. Applicants respectfully request that the Examiner withdraw the rejection of Claims 6 and 7 and pass these claims to allowance.

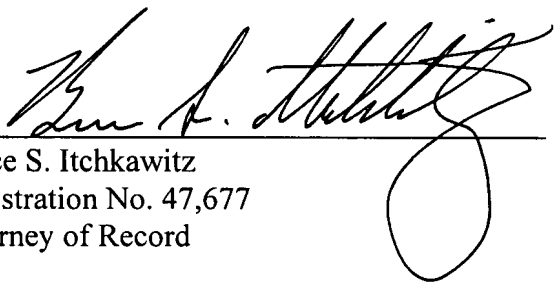
Summary

For at least the foregoing reasons, Applicants submit that Claims 1-16 are in condition for allowance, and Applicants respectfully request such action.

Respectfully submitted,

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